

IN THE DRAWING

The attached Replacement Sheet of drawing includes changes to Fig. 2.

This sheet replaces the original sheet including Fig. 2. In Fig. 2, boxes 227 and 228 have each been changed from "PCM CODED" to --PCM CODEC--, and boxes 231 and 232 have each been labeled "Pass Switch".

Attachment: Replacement Sheet

## REMARKS

Claims 1, 5-12, and 16-22 remain pending in this application. Claims 1, 6, 10-12, 17, 21, and 22, have been amended to define more clearly what Applicant regards as his invention. Claims 1, 10-12, 21, and 22 are independent.

The Office Action mailed on April 7, 2005 asserts that no certified copy of the Japanese priority document has been received. However, a certified copy of the Japanese priority document was received by the U.S. Patent and Trademark Office on May 11, 2001, as evidenced by the enclosed copy of the stamped and dated returned receipt postcard. Accordingly, Applicant respectfully submits that a certified copy of the priority document has been filed in this application, and requests that a search be made.

In section 2 of the Office Action, the Examiner objected to the drawings for the reasons stated. Attached herewith is one Replacement Sheet of formal drawings, which includes changes to Fig. 2. In Fig. 2, boxes 227 and 228 have each been changed from "PCM CODED" to --PCM CODEC--, and boxes 231 and 232 have each been labeled --Pass Switch--, as suggested in the Office Action. Applicant submits that the changes to Fig. 2 add no new matter to the original disclosure. It is respectfully requested that the objection to the drawings be withdrawn.

Claims 1, 2, 5, 8-10, 12, 13, 16, and 19-21 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent 5,434,684 (Sugiyama) in view of U.S. Patent 6,426,809 (Hayashi et al.); Claims 3 and 14 have been rejected as being obvious from Sugiyama in view of Hayashi et al. and U.S. Patent 6,611,355 (Kizawa); Claims 4 and 15 have been rejected as being obvious from Sugiyama in view of Hayashi et al. and U.S. Patent 6,323,872 (Wozniak); Claims 6 and 17 have been rejected as being obvious from

Sugiyama in view of Hayashi et al. and U.S. Patent 6,335,966 (Toyoda); Claims 7 and 18 have been rejected as being obvious from Sugiyama in view of Hayashi et al., Toyoda, and U.S. Patent 5,818,870 (Yaguchi); and Claims 11 and 22 have been rejected as being obvious from Sugiyama, Toyoda, and Hayashi et al. Applicant respectfully submits that the pending claims are patentable over the cited references for at least the following reasons.

As is discussed at greater length in Applicant's specification, the frequent need to transmit a color image as an attachment to e-mail has given rise to significant problems, in that the color standards for facsimile transmission and for Internet transmission are different from each other, and as a result a recipient may be unable to process a received e-mail attachment in the manner required to reproduce the image properly.

Claim 1 is directed to an image communication apparatus, including a selector, a converter, an encoder, and a transmitter. The selector selects a method of transmitting an image by facsimile or a method of transmitting an image by attaching the image to e-mail. The converter performs color space conversion corresponding to the selected transmission method for an image to be transmitted. The encoder encodes the image subjected to the color space conversion, and the transmitter transmits the encoded image by the selected transmission method. The converter converts a color space of an image to be transmitted into a CIE Lab color space when the method of transmitting an image by facsimile is selected, or into a YCrCb color space when the method of transmitting an image by attaching the image to e-mail is selected, before a start of communication with a communication partner.

Notably, the apparatus of Claim 1 performs color space conversion in accordance with a method of transmitting an image before the start of communication with a communication partner. That is, a color space of an image to be transmitted is converted into a CIELab color space when the image is transmitted by facsimile, or is converted into a YCrCb color space when the image is transmitted by e-mail attached the image.

Sugiyama relates to an apparatus at a sending side that performs color space conversion based on an available color space which is communicated from an apparatus at a receiving side. That is, the color space conversion in Sugiyama is performed after communication between the apparatuses has started. The Office Action states at page 4 that “Sugiyama does not disclose color space conversion before a start of communication with the destination.”

Nevertheless, the Office Action cites Hayashi et al., stating that “Hayashi et al. disclose apparatus and method wherein color conversion of image data is executed before the start of communication to a destination (Figure 2, reference S203; column 7, lines 7-19, lines 49-55).”

Hayashi et al., as understood by Applicant, relates to image transmission. Fig. 2 of that patent apparently shows an operation example for an image transmitting system of Hayashi et al. At column 7, lines 10-19, cited in the Office Action, Hayashi et al. discusses that at step S203, to enable the receiving system party receiving the transmitted image data to reproduce a good color image from the image data, the color conversion section 1 converts the color space of the input image information into another color space, such as the CIE-L\*a\*b\* equal color space. For example, if the color space

of the input image information is the RGB color space depending on the light source of a scanner, the color conversion section 1 converts the RGB color space into the CIE- $L^*a^*b^*$  equal color space.

Even if Hayashi et al. were to be deemed to discuss color space conversion before a start of communication in step S203 of Fig. 2, the color space conversion of Hayashi et al. merely converts image data, in an RGB color space depending on a light source of a scanner, into image data in a color space independent of devices such as a CIELab color space, so that an apparatus at a receiving side reproduces a good color image from received image data (see column 7, lines 10-19). In other words, Hayashi et al. does not take into consideration a method of transmitting an image in performing color space conversion, as in Claim 1.

As mentioned above, the apparatus of Claim 1 performs color space conversion in accordance with a method of transmitting an image before the start of communication with a communication partner. Nothing in Sugiyama or Hayashi et al., whether considered separately or in any permissible combination (if any) would teach or suggest that a color space of an image to be transmitted is converted into a CIELab color space when a method of transmitting the image by facsimile is selected, or into a YCrCb color space when a method of transmitting the image by attaching the image to e-mail is selected, before a start of communication with a communication partner, as recited in Claim 1.

Accordingly, Claim 1 is believed to be clearly allowable over Sugiyama and Hayashi et al., whether considered separately or in any permissible combination (if any).

Independent Claims 10, 12, and 21 recite features similar in many relevant respects to those discussed above with respect to Claim 1 and therefore are also believed to be patentable over Sugiyama and Hayashi et al. for at least the reasons discussed above.

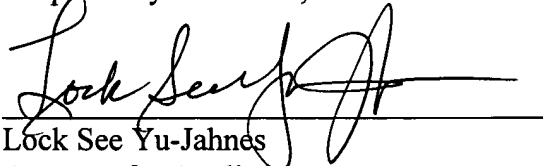
With respect to independent Claims 11 and 22, it is noted that nothing in Toyoda would supply what is missing from Sugiyama and Hayashi et al. as discussed above, whether these patents are considered separately or in any permissible combination (if any). Accordingly, as Claims 11 and 22 recite features similar in many relevant respects to those discussed above with respect to Claim 1, those claims are believed to be patentable over Sugiyama, Hayashi et al., and Toyoda, for at least the reasons discussed above.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lock See Yu-Jahnes', written over a horizontal line.

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Commissioner for Patents  
Washington, D.C. 20231

Date 5/11/01  
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Atty. Docket 862-C2081

Application No. 09/745,477

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